

## **REMARKS / ARGUMENTS**

Claims 31-46 are pending in the application.

### **CLAIM REJECTIONS:**

#### **35 USC § 103(a)**

##### **Claims 31-46**

The Examiner has rejected claims 31-46 under 35 USC § 103(a) as being unpatentable over Colligan et al (U.S. Patent No. 6,415,031 B1; hereinafter "Colligan") in view of Nardone et al (U.S. Patent No. 5,805,700; hereinafter "Nardone"). Applicant respectfully traverses this rejection.

Independent claim 31 recites

**selecting for encryption at least every Nth data packet between consecutive data packets having a sequence header code** of a data packet sequence to provide a plurality of selected packets and a plurality of unselected data packets; encrypting the selected data packets; and initiating the transmission of the encrypted data packets and unselected data packets as an output data packet sequence in a transmission medium.

The remaining independent claims 35, 39, and 43 recite similar limitations.

Examiner and Applicant agree that Colligan fails to disclose "selecting for encryption at least every Nth data packet between consecutive data packets having a sequence header code of a data packet sequence" as recited in independent claims 31, 35, 39, and 43. However, Applicant respectfully asserts that the Examiner has failed to establish a *prima facie* §103(a) rejection based on Colligan in view of Nardone because Nardone also fails to disclose encryption of at least every Nth packet between consecutive data packets having a sequence header code of a data packet sequence as claimed.

Nardone appears to teach selective encryption implemented by a formatter capable of selectively encrypting the basic transfer units (BTUs) of the compressed video and related data in accordance with an encryption policy (Nardone; col 2, lines 44-46) where, in particular, as described with respect to Nardone's Fig. 4, for

the illustrated embodiment of encryption policy 40, each BTU 38' containing the start code of either a group of pictures, an I-frame 30, one of the B-frames 32 or one of the P-frames 34 is encrypted. (Nardone; col 3, lines 45-49; emphasis added).

Thus, Nardone appears to disclose encrypting every sequence header code of a series of compressed video frames (i.e., the "BTUs" encrypted include the "start code" or header of each sequence).

The Examiner states that Nardone's Fig. 4 discloses encryption of at least every Nth packet between consecutive data packets having a sequence header code of a data packet sequence as claimed. (see Office Action; page 3). Applicant respectfully disagrees with this characterization of Nardone. As set out above, Nardone actually discloses encryption of the sequence header codes and not of every nth packet between consecutive data packets having a sequence header code as claimed. While the Examiner relies on Fig. 4, Applicant believes that neither Fig. 4 nor its description discloses the claimed method. (see Nardone; col. 3, line 18 to col. 4, line 13).

Even considering Nardone's Fig. 4 in isolation of Nardone's description of that figure, as the Examiner appears to do, Nardone's Fig. 4 clearly does not show encryption of at least every Nth packet between consecutive data packets having a sequence header code of a data packet sequence as claimed. Nardone's Fig. 4 appears to show each encryption event (represented by the arrows associated with policy 40) occurring at irregular intervals. Clearly, if Nardone's Fig. 4 disclosed encryption of at least every Nth packet between consecutive data packets having a sequence header code of a data packet sequence as claimed, which Applicant asserts it does not, then Fig. 4 would show, at a minimum, encryption events occurring at regular intervals subsequent to each start code 36, which Fig. 4 plainly does not show.

Thus, in conclusion, Applicant asserts that the Examiner has failed to support a *prima facie* rejection under 35 USC § 103(a) as being unpatentable over Colligan in view of Nardone because neither Colligan nor Nardone, either alone or in combination, teaches or suggests all limitations of invention as claimed.

**CONCLUSION**

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner has any questions, she is invited to contact the undersigned at (503) 264-6473. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. D. Hinchliffe', with a long horizontal line extending to the right.

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